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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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*NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.*

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## HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.4451, a bill pertaining to **CRIMINAL SOLICITATION OF MINORS AND EXPLOITATION OF MINORS**. Notably, the legislation is geared towards enhancing the detection and prosecution of the use of the Internet to exploit minors. This bill creates the offense of criminal solicitation of a minor to apply to situations where an individual at least eighteen years of age knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity or a violent crime. A violator is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars and/or imprisoned for not more than ten years. Equipment, including software, that is used in the commission of a violation is subject to seizure and forfeiture. The bill also authorizes such seizure and forfeiture of equipment used in the commission of third degree exploitation of a minor. To combat Internet child pornography more effectively, the bill eliminates the requirement that a child-related obscenity crime must be multi-county in nature or must transpire in more than one county for the State Grand Jury to have jurisdiction. The bill also increases penalties for numerous offenses involving minors and obscenity laws and the exploitation of minors.

The House debated and recommitted to the Education and Public Works Committee H.3714, the "**SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT.**"

The House debated and recommitted to the Medical, Military, Public and Municipal Affairs Committee S.104, a bill **LEGALIZING TATTOOING** in South Carolina and regulating the practice.

The House amended, approved, and sent to the Senate H.3482, a bill revising provisions for **LAWFULLY SECURED HANDGUNS**. The bill revises exceptions to the prohibition against carrying a handgun. The legislation provides that a person may carry a handgun in any home or on real property if the person has the permission of the owner or person in legal possession or control of the home/property. The bill authorizes possession of a handgun for the owner or the person in legal possession/control of a fixed place of business, while at the fixed place of business. Handgun possession is authorized for the employee of such a fixed place of business (except for a business selling alcoholic liquors, beers or wines for on-premises consumption) while at the place of business; however, the employee may exercise this privilege only after acquiring a concealed weapon permit. The bill authorizes handgun possession for a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of concealed weapons permits. The legislation authorizes the



securing of a handgun in a closed container secured by an integral fastener and transported in the luggage compartment of a vehicle. The legislation clarifies that it is not a violation if a glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. The bill provides an exception for a person while transferring a handgun directly from or to a vehicle and a location where one may legally possess the handgun.

The House amended, approved, and sent to the Senate **H.4354**, the "**SOUTH CAROLINA INFRASTRUCTURE PRIORITY INVESTMENT ACT OF 2003**". This bill revises provisions relating to comprehensive plans of local planning commissions so as to provide for coordination between adjacent and other relevant jurisdictions during the local planning process. Adjacent and other relevant jurisdictions and agencies include such entities as counties, municipalities, public service districts, school districts, public and private utilities, and transportation agencies. The legislation adds two requirements that must be included in a local comprehensive plan: (1) a priority investment element which establishes, through coordination with all adjacent and other relevant jurisdictions and agencies, suitable areas where development and community facilities are recommended to be directed and to where state and federal funding for all growth-related projects and community facilities are recommended to be targeted, using incentive market-based principles; and (2) a transportation element which considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. The new transportation element of the local comprehensive plan must be developed in coordination with the plan's land use element to ensure transportation efficiency for existing and planned development.

The House amended, approved, and sent to the Senate **H.4651**, a bill authorizing **STATE EMPLOYEE CRIME VICTIMS LEAVE**. This bill provides paid leave for state employees to attend court proceedings for the adjudication of a defendant charged with a crime triable in general sessions court committed against the state employee or a member of the state employee's immediate family. This paid leave shall not diminish any other paid leave allowed by law. An employee must provide his employer written advance confirmation of the date of the court proceedings from either the solicitor's office or the appropriate law enforcement department.

The House amended, approved, and sent to the Senate **H.4656**, a bill that specifically exempts **BUNDLED SERVICES AND CONTRACT OFFERINGS MADE BY TELECOMMUNICATIONS CARRIERS** from regulation by the Public Service Commission. The legislation establishes consumer protection provisions under which a consumer directs any complaints concerning these unregulated services to the Public Service Commission and the PSC is charged with facilitating a resolution between the customer and the company. The legislation makes other revisions regarding the regulation of telecommunication services. Under the bill, telecommunications carriers that elect to have alternative regulation are required to afford the PSC access to the carrier's contracts with individuals and other telecommunications carriers. The bill provides a time limit for the PSC to resolve complaints of abuse of market position from a local exchange carrier's customers.



The House appointed conference committees to address differences with the Senate on S.560, the **SOUTH CAROLINA LIFE SCIENCES ACT** and H.3900, the **VENTURE CAPITAL INVESTMENT ACT**.

The House approved and sent to the Senate H.3762, a bill **AUTHORIZING A TRIAL JUDGE TO WAIVE CERTAIN INMATE WORK RELEASE NOTIFICATIONS**. This bill authorizes a trial judge to waive his right to receive notification of the pending release of inmates selected to participate in work release for good character and behavior.

The House approved and sent to the Senate H.4750, a bill pertaining to **CHILDREN'S TRUST FUND EXPENDITURES**. This bill removes the limitation on the amount of Children's Trust Fund revenues which may be disbursed. The legislation allows the fund's board to award grants to programs that enhance or promote the adoption of special needs children in state custody.

The House approved and sent to the Senate H.4453, a bill **UPDATING THE LIFE EXPECTANCY TABLE FOR CIVIL LITIGATION** using the 2001 Commissioners Standard Ordinary Mortality Table.

The House approved and sent to the Senate H.4696, a bill which **REVISES THE QUALIFICATIONS OF MEMBERS OF THE AGRICULTURAL COMMODITY BOARDS**. The bill deletes the minimum age requirement for members of this Board, and reduces from five years to one year the period in which a Board member must have been engaged in producing the affected commodity within the State.

The House amended, approved, and sent to the Senate H.4454, a bill addressing the **AUTHORITY TO CALL FOR REFERENDA REGARDING LOCAL OR REGIONAL HOSPITALS GOVERNED BY POLITICAL SUBDIVISIONS**. This bill provides that for certain political subdivisions of this state that were created to operate hospitals on a local or regional basis, the ability to call for or conduct advisory or binding referenda regarding their activities shall rest solely with the governing board of the political subdivision or a governmental body which appoint the board, including a county legislative delegation.

The House approved and sent to the Senate H.4698, a bill revising the violations for which **LAW ENFORCEMENT OFFICERS AT THE STATE COMMISSION OF FORESTRY** (the commission) may use their official summons form in making arrests. The bill also amends provisions regarding appointment and responsibilities of these officers. Currently, these law enforcement officers use their official summons in making arrests for offenses punishable by fines up to two hundred dollars or imprisonment up to thirty days. This bill deletes that language and provides that these officers use their official summons in making arrests for misdemeanors triable in magistrate's court. The bill provides that these officers shall carry out the law enforcement responsibilities of the Commission, deleting current language which delineates certain responsibilities and authority for these officers, and which requires certain training programs.



The House approved and sent the Senate Joint Resolution **H.4687**, regarding **DISCONTINUING PARTICIPATION IN THE STATE HEALTH INSURANCE PLAN**. The joint resolution allows an entity that began participation in the State Health Insurance Plan before April 1, 2004, to discontinue participation in the plan regardless of the four-year minimum participation requirement if the entity is adversely affected by the implementation of experience rating in July 1, 2004, and to provide the requirements for discontinuing such participation.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Committee recommitted to subcommittee **H.4611**, a bill **DESIGNATING AS A BIRD AND WILD FOWL SANCTUARY, AN AREA IN GEORGETOWN COUNTY** located north of Huntington Beach State Park, east of Highway 17 Business, south of Atlantic Avenue, and west of the Atlantic Ocean.

The Committee reported favorable on **H.4591**, a bill regarding **USE OF CROSSBOWS BY DISABLED PERSONS**. Currently, the use of crossbows for hunting certain game by persons who suffer from upper limb disabilities is legal if the person has a certain written statement from a neurologist or orthopedist. This bill adds that the statement may also come from a rheumatologist.

The Committee reported favorable with amendment on **H.4548**, regarding **SUSPENSION OF HUNTING PRIVILEGES AND LICENSES**. As reported by the Committee, this bill requires the Department of Natural Resources (DNR) to suspend for two years the hunting privileges and license of a person who shoots any bovine or equine animal while hunting deer. The bill also requires that the offender complete a DNR-approved hunter education course before the suspension period may be lifted.

The Committee reported favorable on **H.3813**, a bill which **REQUIRES THAT AN AGENCY WHICH ENFORCES NATURAL RESOURCES, GAME, FISH, OR BOATING LAWS MUST REPORT EACH CRIMINAL CHARGE MADE AND ITS DISPOSITION TO THE DEPARTMENT OF NATURAL RESOURCES (DNR)**, as provided in the bill, and DNR must make criminal records which they maintain available to other law enforcement agencies upon request.

The Committee reported favorable on **H.4692**, a bill which **MAKES NUMEROUS REVISIONS TO THE SOUTH CAROLINA COMMERCIAL FEED ACT**, including but not limited to revisions which clarify the Act and bring its provisions into alignment with feed laws in other states.

The Committee reported favorable on H.4696, a bill which **REVISES THE QUALIFICATIONS OF MEMBERS OF THE AGRICULTURAL COMMODITY BOARDS**. The bill deletes the minimum age requirement for members of this Board, and reduces from five years to one year the period in which a Board member must have been engaged in producing the affected commodity within the State.

The Committee reported favorable with amendment on H.4697, a bill concerning **DIRECT PURCHASES OF FOREST PRODUCTS FROM LANDOWNERS FROM LANDS IN THIS STATE**. As reported by the Committee, this bill provides that a person who purchases trees or forest products directly from a landowner from lands in South Carolina, and has received payment for the forest products shall, within forty-five days of the receipt, make payment in full to the landowner. The bill includes procedures for the landowner in the event that such payment is not received, and includes monetary penalties and terms of imprisonment which may be imposed against the purchaser for violation of the payment requirement. The bill also includes restitution to the victim as a mandatory condition of the sentence imposed

The Committee reported favorable on H.4698, a bill which **REVISES THE VIOLATIONS FOR WHICH LAW ENFORCEMENT OFFICERS AT THE STATE COMMISSION OF FORESTRY (THE COMMISSION) MAY USE THEIR OFFICIAL SUMMONS FORM IN MAKING ARRESTS**. The bill also **AMENDS PROVISIONS REGARDING APPOINTMENT AND RESPONSIBILITIES OF THESE OFFICERS**. Currently, these law enforcement officers use their official summons in making arrests for offenses punishable by fines up to two hundred dollars or imprisonment up to thirty days. This bill deletes that language and provides that these officers use their official summons in making arrests for misdemeanors triable in magistrate's court. The bill provides that these officers shall carry out the law enforcement responsibilities of the Commission, deleting current language which delineates certain responsibilities and authority for these officers, and which requires certain training programs.

## JUDICIARY

The full House Judiciary Committee met on Tuesday, February 17, and reported out several bills.

The committee gave a report of favorable with amendment on H.4451, a bill pertaining to **CRIMINAL SOLICITATION OF MINORS AND EXPLOITATION OF MINORS**. Notably, the legislation is geared towards enhancing the detection and prosecution of the use of the Internet to exploit minors. This bill creates the offense of criminal solicitation of a minor to apply to situations where an individual at least eighteen years of age knowingly contacts or communicates with, or attempts to contact or communicate with, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity or a violent crime. A violator is guilty of a felony and, upon conviction, must be fined not more than five thousand



dollars and/or imprisoned for not more than ten years. Equipment, including software, that is used in the commission of a violation is subject to seizure and forfeiture. The bill also authorizes such seizure and forfeiture of equipment used in the commission of third degree exploitation of a minor. To combat Internet child pornography more effectively, the bill eliminates the requirement that a child-related obscenity crime must be multi-county in nature or must transpire in more than one county for the State Grand Jury to have jurisdiction. The bill also increases penalties for numerous offenses involving minors and obscenity laws and the exploitation of minors.

The committee gave a report of favorable with amendment on **H.4651**, a bill authorizing **STATE EMPLOYEE CRIME VICTIMS LEAVE**. This bill provides paid leave for state employees to attend court proceedings for the adjudication of a defendant charged with a crime triable in general sessions court committed against the state employee or a member of the state employee's immediate family. This paid leave shall not diminish any other paid leave allowed by law. An employee must provide his employer written advance confirmation of the date of the court proceedings from either the solicitor's office or the appropriate law enforcement department.

The committee gave a report of favorable with amendment on **H.4650**, a bill pertaining to **CONVERSION OR DOMESTICATION OF CORPORATIONS** in South Carolina. This bill establishes new provisions for the domestication in South Carolina of a foreign corporation. Under the legislation, a foreign corporation may become a domestic corporation subject to the South Carolina Business Corporation Act by filing with the Secretary of State (1) articles of domestication and (2) an initial annual report. When a foreign corporation becomes a domestic corporation, articles of dissolution or the equivalent must be filed within five business days in the state where previously incorporated. Under the new provisions, a domesticated corporation is legally recognized as the same entity that existed prior to the domestication. The legislation also establishes new provisions for conversions and mergers of corporations, partnerships, and limited liability partnerships.

The committee gave a report of favorable with amendment on **H.3858**, the **"VESTED RIGHTS ACT."** This legislation provides for conditions for the establishment of vested rights in certain land developments to secure the reasonable expectations of landowners who make significant investment in site evaluation, planning, development costs, consultant fees, and engineering or architectural expenses to meet land development standards for site plan approval under existing local government ordinances and development agreements. The legislation provides that on or before July 1, 2005, a local government body: (1) shall amend its local land development regulations and ordinances adopted pursuant to this chapter to provide for the establishment of a vested right in an approved site specific development plan; and (2) may amend its local land development regulations and ordinances to provide for establishment of a vested right in an approved phased development plan. The bill provides for standards and conditions under which vested property rights are established which allow the commencement and completion of development and use of property pursuant to a site-specific development plan or an approved phase development plan. The legislation provides for the local government acts and factors triggering a vested right. The bill places



limits on the duration of vested rights. The legislation provides that a vested right attaches to and runs with the property.

The committee gave a report of favorable with amendment on H.3778, a bill pertaining to the **REMOVAL OF VEHICLES DISABLED IN TRAFFIC COLLISIONS**. The bill provides that law enforcement officers or authorized employees of the Department of Transportation may remove from the traveled way all disabled vehicles and vehicles involved in an accident or a collision and any debris caused by motor vehicle traffic collisions where it can be accomplished safely and will result in the improved safety or traffic flow upon the road. However, where a vehicle has been involved in an accident or collision resulting in great bodily injury or death to a person, the vehicle shall not be moved until it is authorized by the investigating law enforcement officer. The State, its political subdivisions, and its officers and employees are not liable for any damages to vehicles that result from the removal unless the removal was carried out in a reckless or grossly negligent manner. The vehicle owner and any driver or carrier of a vehicle removed under these provisions shall bear all reasonable costs of removal. The bill provides that, if a disabled vehicle or a vehicle involved in an accident or a collision resulting only in damage to a vehicle is obstructing traffic, the driver of the vehicle shall make every reasonable effort to move any vehicle that is capable of being driven safely off the roadway so as not to block the flow of traffic. The driver or any other person who has moved a motor vehicle to facilitate the flow of traffic before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident or collision solely by reason of moving the vehicle. State and local authorities may erect signs along highways and streets that instruct the public of these responsibilities regarding disabled vehicles. The bill provides that any person operating a vehicle from which any substances or cargo, excluding water, have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public highway, shall make every reasonable effort to immediately cause the public highway to be cleaned of all substances and shall pay any costs for the cleaning. If the person immediately does not cause the public highway to be cleaned, the Department of Transportation or any law enforcement officer may, without the consent of the owner or carrier of the substance or cargo, remove the substance from the public highway if the substance or cargo is blocking the public highway or endangering public safety. The State, its political subdivisions and their officers and employees are not liable for any damages to the substance or cargo that may result from the removal or disposal of the substance or cargo unless the removal or disposal was carried out recklessly or in a grossly negligent manner. The owner, driver of the vehicle, or carrier of the substance or cargo removed under this subsection shall bear all reasonable costs of its removal and subsequent storage or disposition. The vehicle and debris removal provisions in this legislation are applicable statewide. No other governmental entity may enact or enforce conflicting ordinances or impose more stringent requirements than those provided under the legislation.

The committee gave a report of favorable with amendment on H.3409, a bill authorizing the establishment of a **FIREWORKS PROHIBITED ZONE** on private real property. Under the legislation, an owner, a lessee, or managing authority of real property may establish a Fireworks Prohibited Zone-by: (1) filing a Discharge of



Fireworks Prohibited Agreement with the law enforcement agency having jurisdiction over the subject property; and (2) posting at least two signs or placards in conspicuous locations on the subject property as provided. A Fireworks Prohibited Zone is an area in which fireworks are prohibited from being discharged. Such a zone shall extend beyond the subject property to the low water mark of all oceanic bodies of water adjoining the subject property. A Fireworks Prohibited Zone includes the area: (a) contained within the boundaries of the subject property; (b) extended from the boundaries of the subject property to the center line of any street or thoroughfare that it abuts; and (c) extended from the boundaries of the subject property into any public land sharing a common boundary for a distance not to exceed five hundred feet. A person who discharges fireworks from, in, or into a Fireworks Prohibited Zone is guilty of a misdemeanor and, upon conviction, must be punished: (1) for a first offense by a fine of not more than one hundred dollars or imprisonment for not more than thirty days; and (2) for a second and subsequent offense by a fine of not more than two hundred dollars or imprisonment for not more than thirty days.

The committee gave a favorable report on **H.4686**, a bill providing for an **INCREASE IN MAXIMUM MONETARY PENALTY FOR TRANSFER OF A CASE TO MAGISTRATES OR MUNICIPAL COURT**. This bill increases from five thousand to five thousand five hundred dollars the maximum monetary penalty for transferring a case from general sessions court to magistrates or municipal court.

## WAYS AND MEANS

The Ways and Means Committee reported out a proposed **BUDGET PLAN FOR 2004-2005**. Sources of revenue include, but are not limited to: increased tax collections from stepped-up enforcement by the Department of Revenue (\$90 million); elimination of the Second Injury Fund (\$40 million); sale of surplus land (\$31.7 million); sales of state vehicles and closing maintenance facilities (\$25 million); state tobacco settlement money for Medicaid (\$11.7 million); cash funds held by state agencies (\$7.5 million); excess investment earnings on state school bonds (\$5.8 million).

Highlights of the Committee budget plan include, but are not limited to:

- Base Student Cost appropriation is \$1827;
- Teacher salaries are funded at the projected Southeast Average of \$41,391;
- National Board Certification program for teachers is continued and \$2.4 million is provided for the projected increase in teachers in the program; state supplement is \$7500 per year for ten years; teachers applying for the program after June 30, 2004, would be required to pay back the loan for the \$2,300 application fee;
- Lottery funding for K-5 Reading, Math, Science and Social Studies programs is increased by \$10 million for total of \$50 million in the lottery;
- LIFE, HOPE, and Palmetto Fellows Scholarships are fully funded from the lottery;

- Needs Based Grants received an additional \$10 million; tuition grants received an additional \$1 million;
- A proviso and funding were added to give a 2% base pay increase to State employees;
- Agencies' funds for travel, meals, fees, and phone expenses are reduced 15%;
- Medicaid non-recurring funding is annualized;

In addition to reporting out a budget proposal, the Committee considered and reported on a number of other bills.

The Committee reported favorable with amendment on **H.3689**, which **EXEMPTS FROM PROPERTY TAX AN AMOUNT OF FAIR MARKET VALUE OF REAL PROPERTY SUFFICIENT TO LIMIT TO FIFTEEN PERCENT ANY VALUATION INCREASE ATTRIBUTABLE TO A COUNTYWIDE APPRAISAL AND REASSESSMENT PROGRAM**. The bill delineates instances in which the exemption does not apply, including but not limited to certain transfers of the property, value attributable to property or improvements not previously taxed, and renovations.

The bill provides that once the taxable value of a property is reduced because of this exemption, that reduced value is effective until the next equalization and reassessment program. The bill provides that once a property is transferred and no longer eligible for the exemption, the property is subject to taxation in the tax year following the transfer at its market value based on the sale or transfer of ownership or at the appraised value determined by the county assessor.

The bill requires the closing attorney at a real estate transfer to notify the buyer that the property may be subject to taxation the next tax year at a value that reflects its fair market value. The bill specifies procedures which are required of a property owner to qualify for the exemption and provides penalties for property owners who obtain the exemption and are later found not eligible.

The bill requires the Speaker of the House and the President Pro Tempore of the Senate to appoint, by January 14, 2014, a task force to study the effects of these provisions on homeowners and on the real estate industry and recommend changes in a report to the General Assembly by January 13, 2015.

The Committee reported favorable with amendment on **H.4475**, the "**FISCAL DISCIPLINE PLAN OF 2004**". Relating to actions necessary for the State Budget and Control Board to cover an operating deficit, this bill requires an operating deficit to be placed as the first item on the agenda of the State Budget and Control Board at the first Board meeting following the Comptroller General's closing of the books for the fiscal year.

The bill requires the State Treasurer, before the close of the state's books for 2003-2004, to transfer an amount of fiscal year 2003-2004 General Reserve Fund revenue up to fifty million dollars to repay general depository accounts used to offset the fiscal year 2001-2002 operating deficit. The bill provides for additional



repayments for fiscal years 2004-2005 and 2005-2006, of up to fifty million dollars per year from the Capital Reserve Fund, to the extent such funds are available.

The bill limits General Fund appropriations growth to three percent per year for Fiscal Years 2003-2004 through 2008-2009. The bill also provides for the use of any surplus revenues for eliminating the deficit and restoring funds to the General Reserve Fund, and provides that any surplus left after these items are accomplished is deemed Capital Reserve Fund revenue. The bill provides that during this period (Fiscal Years 2004-2005 through 2008-2009) annually required transfers to the General Reserve Fund must be considered recurring General Fund appropriations.

The Committee reported favorable on **H.4723**, a bill which **CHANGES THE NAME OF A COUNTRY TRANSPORTATION COMMITTEE ENTITLED TO EXPEND "C" FUNDS, TO THE LEGISLATIVE DELEGATION TRANSPORTATION COMMITTEE OF THE PARTICULAR COUNTY** (i.e., "Richland County Legislative Delegation Transportation Committee").

The Committee reported favorable with amendment on **H.4271**, a bill which **EXEMPTS FROM PROPERTY TAX AN AMOUNT OF FAIR MARKET VALUE OF CERTAIN REAL PROPERTY SUFFICIENT TO ELIMINATE ANY VALUATION INCREASE ATTRIBUTABLE TO A COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM**. The exemption does not apply to value attributable to property or improvements not previously taxed; real property transferred after the year in which the most recent countywide equalization program was implemented (with certain exceptions); and real property valued for property tax purposes by the unit evaluation method. With each subsequent equalization and reassessment program, the value of the property, reduced by the amount of exemption granted under the bill, may not increase except in the year following a disqualifying transfer in ownership. When the property is no longer eligible for the exemption due to a transfer, the property will be taxed in the tax year following the transfer at market value based on the transfer of ownership or at the appraised value. The bill includes a requirement for closing attorneys to notify buyers at real estate transfers that the property may be subject to taxation at fair market value during the next tax year. The bill outlines procedures for qualifying for the exemption and includes penalties for a person who signs a certification declaring that the property is eligible, obtains the exemption, and is subsequently found to be ineligible. The bill also provides for a task force to be appointed in 2014 by the Speaker of the House and the President *Pro Tempore* of the Senate to study the effects of these provisions on homeowners and on the real estate industry, and report findings and recommendations to the General Assembly by January 2015.

The Committee reported favorable with amendment on **H.4482**, a bill which provides processes and procedures whereby local planning departments and officials must consider certain matters and take certain actions regarding **DEVELOPMENT IN AREAS CONTIGUOUS TO FEDERAL MILITARY INSTALLATIONS LOCATED IN SOUTH CAROLINA**. These provisions are intended to ensure that development in areas near these installations is conducted in a coordinated manner and considers federal military interests in planning and zoning decisions. The bill requires that at least thirty days before the public hearing regarding such development, a request for



a written recommendation addressing certain areas relating to the development must be sent to the commander of the federal military base, installation, or airfield. If no response is received by the time of the hearing, it is presumed that there will be no adverse effect.

The Committee recommitted to subcommittee H.3929, the **SOUTH CAROLINA LIFE SCIENCES ACT**.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **EDUCATION AND PUBLIC WORKS**

#### **H.4766 COUNTRY MUSIC HALL OF FAME CENTER Rep. Townsend**

This bill designates the Country Music Center in Belton, South Carolina, as the official South Carolina Country Music Hall of Fame Center.

#### **H.4788 SPECIAL RESTRICTED DRIVER'S LICENSES Rep. G.M. Smith**

This bill provides that, in addition to current reasons for modification, restrictions on a special restricted driver's license may be modified if the restriction interferes with the licensee's travel between home and a church related activity.

#### **H.4796 COMMERCIAL DRIVERS Rep. Townsend**

This bill provides that the South Carolina Department of Motor Vehicles shall administer the South Carolina Commercial Driver's License Program, and makes numerous revisions to provisions regarding driving of commercial motor vehicles. The bill also provides that a vehicle may not be driven or towed through or over any railroad grade crossing until the driver has determined that the vehicle has sufficient under carriage clearance to negotiate the railroad grade crossing.

#### **H.4797 BEGINNER'S PERMITS/MOVING VIOLATIONS Rep. Townsend**

This bill provides that a student fifteen years of age who is enrolled in a high school driver's training course is not required to obtain a beginner's permit while participating in the course and accompanied by an instructor.

#### **H.4798 DEPARTMENT OF MOTOR VEHICLES ELECTRONIC DATA Rep. Townsend**

This bill allows the Department of Motor Vehicles (DMV) to accept electronically filed lien information for newly acquired vehicles, vehicles already titled, and lien releases. The bill also authorizes and provides for the DMV to collect a transaction fee from commercial parties who transmit or receive data from the DMV.



**H.4800 MOTOR VEHICLES/ALCOHOL-RELATED OFFENSES Rep. Townsend**

This bill revises current provisions regarding vehicles owned by persons convicted of alcohol-related offenses.

**H.4801 RESTRICTED DRIVER'S LICENSES Rep. Townsend**

This bill provides that a person who is issued a restricted driver's license after his license is suspended for refusing to submit to alcohol concentration testing or for registering a certain level of alcohol concentration is ineligible for issuance of a special restricted driver's license.

**H.4802 REVOKED DRIVER'S LICENSES Rep. Townsend**

This bill revises procedures for reinstatement of a driver's license which has been revoked for driving under the influence. The bill also revises provisions regarding notification of suspension of a driver's license; unlawful use of a driver's license; fraudulent application for a driver's license; unlawful alteration of a driver's license; issue or sale of a fictitious driver's license; or use of another person's driver's license. The bill also revises notification procedures regarding habitual offenders who are convicted of operating a vehicle while the decision of the Department of Motor Vehicles (DMV) prohibiting the operation is in effect. In such instances, the court, rather than the DMV, would notify the Solicitor or Attorney General and he shall cause the appropriate criminal charges to be lodged against the offender.

**H.4803 GOLF CART PERMITS Rep. Townsend**

This bill requires that in order to obtain a permit to operate a golf cart on certain highways and streets, the owner of the cart shall provide proof of its ownership to the Department of Motor Vehicles.

**H.4804 DEALER'S LICENSES Rep. Townsend**

This bill allows the Department of Motor Vehicles (DMV) to issue, under certain circumstances, supplemental dealer licenses for premises less than one-half mile from the dealer's primary place of business, for a twenty-five dollar fee that the DMV must use to defray expenses of this program.

**H.4819 FINANCIAL LITERACY INSTRUCTION Rep. Govan**

This bill requires the State Board of Education to develop or adopt a curriculum, materials, and guidelines for local school boards to use in implementing a program of financial literacy in South Carolina high schools. The bill provides areas of instruction which must be included in the program and authorizes the State Board and local boards to establish a fund to receive public and private contributions to fund the program. The bill requires the State Board to incorporate the elements of the financial literacy program into the South Carolina Academic Standards of Instruction for kindergarten through twelfth grade.

## JUDICIARY



**H.4763 ADOPTION OF REVISED CODE VOLUMES** Rep. Wilkins

This joint resolution provides for the adoption of the revised Code Volumes 2 and 20 of the *Code of Laws of South Carolina, 1976*.

**H.4767 VOTER REGISTRATION APPLICATION FORMS PROVIDED IN HIGH SCHOOLS** Rep. J. E. Smith

This bill requires the board of voter registration in each county, or the entity charged by law with registering an elector, to provide voter registration application forms in each high school in the county for use by students who attain the age of eighteen.

**H.4770 NOMINATION OF JUDICIAL CANDIDATES** Rep. Govan

This bill increases the membership of the Judicial Merit Selection Commission from ten to eleven and provides that: the Governor shall appoint five members, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member, the House Majority Leader and the Senate Majority Leader shall each appoint one member, and the House Minority Leader and the Senate Minority Leader shall each appoint one member. The bill revises the Judicial Merit Selection Commission's process for nominating judicial candidates from the nomination of three candidates to the release of a list of all qualified candidates to the General Assembly.

**S.719 ELIMINATION OF PROXIMITY LIMITS ON ISSUANCE OF CORPORATE CERTIFICATES** Sen. McConnell

This bill revises prerequisites to the issuance of corporate certificate for a proposed municipality, so as to eliminate the requirement that no part of the proposed municipality is within five miles of the boundary of an active incorporated municipality.

**H.4783 JURY SELECTION** Rep. W. D. Smith

This bill revises provisions for the preparation of a jury list from the list of persons holding a valid driver's license, so as to change the jury list to the list of registered voters. The bill revises disqualifications of jurors, so as to change the disqualification for a person convicted of a crime punishable by imprisonment for more than one year to a crime punishable by imprisonment of thirty days or more and to provide an additional disqualification for a person who has criminal charges pending. The legislation allows the prosecution the same number of peremptory challenges as the defense in criminal cases. The bill provides for written *voir dire* of jurors. The bill directs the Supreme Court to promulgate rules to establish the procedure for written *voir dire* and to create the juror questionnaire form.

**H.4785 REGULATION OF BAIL BONDSMEN AND RUNNERS**  
Rep. G. M. Smith

This bill provides that a bail bondsman or runner may not retrieve a bonds list from a jail or retrieve any names and family records from any jail records. The bill revises penalties for violating certain provisions that regulate the activities of bail bondsmen and runners, so as to provide that a person who violates these provisions has committed a crime of moral turpitude. A violation is reclassified from a misdemeanor to a felony, and to the penalty is increased.



**H.4787 UNLAWFUL USE OF CHECKS IN COMMERCIAL SOLICITATIONS**

**Rep. G. M. Smith**

This bill provides that it is an unlawful trade practice for a person to include in a solicitation for the sale of a product or service an enclosure that is, or purports to be, a check or other negotiable instrument made payable to the order of the addressee, the endorsement, and negotiation of which by the addressee creates a contract for the purchase of the solicited product or service.

**H.4789 "PROTECT OUR WOMEN IN EVERY RELATIONSHIP (POWER) ACT"**

**Rep. Cobb-Hunter**

This bill enacts the Protect Our Women In Every Relationship (POWER) Act to provide comprehensive revisions regarding the handling of domestic violence by the judicial system and law enforcement. The bill requires magistrates, family court judges, and circuit court judges to receive continuing education annually on domestic violence. The bill revises provisions relating to grounds for divorce, so as to further specify that physical cruelty includes physical violence and conduct that endangers one's physical or psychological well-being. The bill imposes requirements for assessing possible threats that the accused may pose to the public or an individual victim before the accused may be released or have a sentence suspended. The bill provides that a criminal domestic violence charge may not be dropped against a person if the victim or victim's attorney was not present at the hearing and to require criminal domestic violence offenses to be tried in general sessions court. The bill provides revisions regarding petitions for orders of protection from domestic violence and restraining orders. The bill requires a law enforcement officer employed by the state or a political subdivision who is convicted of criminal domestic violence to be terminated from employment. The legislation eliminates pretrial intervention and pleading guilty to certain lesser charges for individuals charged with certain criminal domestic violence offenses. The bill prohibits expungement of records for criminal domestic violence for offenders convicted in magistrate's court or municipal court, for such offenses committed by youthful offenders, and for such offenses committed by juveniles. The bill revises provisions for effecting an arrest for criminal domestic violence, so as to require law enforcement to file an incident report and to prohibit the use of uniform traffic tickets to effect such an arrest. The bill provides for an automatic six month extension upon the filing of an affidavit seeking an extension of orders of protection from domestic violence and provides for notice and an opportunity for a hearing. The bill revises fines and terms of imprisonment for criminal domestic violence offenses and requires mandatory minimum sentences, which may be served on weekends or at night. The bill provides that a family court judge may appoint guardians ad litem in domestic violence matters.

**H.4790 ENVIRONMENTAL OFFENSES INCLUDED UNDER STATE GRAND JURY JURISDICTION**

**Rep. Merrill**

This bill revises the jurisdiction of the State Grand Jury system to include environmental offenses.

**H.4792 JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS**

**Rep. Harrison**



This bill establishes provisions regarding the judicial review of administrative decisions, so as to provide that judicial review of an administrative decision must be made by an administrative law judge and that decision may be appealed to the South Carolina Court of Appeals.

**S.813 *USES FOR COUNTY LOCAL OPTION SALES AND USE TAX***

***PROCEEDS*** Sen. Richardson

This bill adds public parking garages and beach access and beach renourishment as capital projects for which the proceeds of the county local option sales and use tax may be used.

**H.4799 *NOTICE OF APPEAL OF A MAGISTRATE'S COURT DECISION***

***Rep. Townsend***

This bill revises provisions for appealing a magistrate's court decision, so as to provide that the notice of such an appeal must also be served on all respondents.

**H.4816 *REMOVAL OF GOVERNING BODY MEMBERS WHO ARE TOO ILL TO***

***SERVE*** Rep. Duncan

This bill provides a procedure for the removal of a member of certain governing bodies who has three unexcused absences from regularly scheduled meetings held by the governing body because of a physical or mental condition.

**H.4817 *CRIMINAL OFFENSE OF SUPPLYING MINORS WITH TOBACCO OR***

***CIGARETTES*** Rep. Scarborough

This bill increases the fine for the criminal offense of supplying minors with tobacco or cigarettes to one thousand dollars for each violation and provides that one-half of the fine must be remitted for use by the Department of Health and Environmental Control's Youth Smoking Prevention Plan.

**H.4820 *CONSIDERATIONS IN DETERMINING RELEASE OF DEFENDANT***

***Rep. Davenport***

This bill revises matters to be considered in determining conditions of release for a defendant charged with a noncapital offense, so as to add that the court may consider a pattern of criminal activity, whether the record contains a violent offense, and the recommendation of the law enforcement agency with appropriate jurisdiction or the solicitor's office.

**H.4823 *APPELLATE REVIEW OF JUDGMENT IN CIVIL ACTIONS INVOLVING  
A PARTY TO THE MASTER SETTLEMENT AGREEMENT IN  
CONNECTION WITH THE TOBACCO ESCROW FUND ACT***

***Rep. Harrison***

This bill provides for an automatic stay of execution during appellate review of a judgment in a civil action involving a party to the master settlement agreement entered into in connection with the Tobacco Escrow Fund Act.

**LABOR, COMMERCE AND INDUSTRY**



**H.4784 WIND AND HAIL INSURANCE DEFINITION OF "COASTAL AREA"**

**Rep. Scarborough**

This bill revises the definition of "coastal area" used in connection with wind and hail insurance, so as to include all areas east of the west bank of the Intracoastal Waterway along the entire coast of this state.

**H.4805 PROVISIONS REGARDING MOTOR VEHICLE ACCIDENTS THAT  
RESULT IN PROPERTY DAMAGE**

**Rep. Townsend**

This bill revises provisions relating to obtaining verification that an operator of a motor vehicle involved in an accident that results in property damage must verify that the vehicle has liability insurance coverage, so as to revise the minimum amount of property damage that must occur before insurance verification must be obtained. The bill revises provisions relating to the suspension of the driver's license and motor vehicle registration of persons involved in certain motor vehicle accidents, so as to revise the minimum amount of property damage that must occur before the provisions become applicable. The bill revises provisions relating to the amount of security the Department of Motor Vehicles may order a person to deposit, so as to revise the minimum amount of security that may be required by the department.

**H.4806 HOMEOWNERS' ASSOCIATION GOVERNANCE**

**Rep. Bales**

This bill provides for the governance of a homeowners' association, including: provisions for adopting or changing an operating rule; procedural fairness in the operation of the association's property and affairs; filing of governing documents with the Secretary of State; review by the Secretary of State of governing documents for compliance and notice of noncompliance to homeowners and the Department of Consumer Affairs; recognition of the determination as evidence per se of noncompliance in an enforcement action; enforcement of compliance by the department through fines and injunctions; and a cause of action against the board of directors of a homeowners' association for breach of its fiduciary duty to the association for noncompliance with this legislation.

**H.4818 CONSUMER LOANS**

**Rep. Cato**

This bill revises provisions relating to delinquency charges in connection with a credit sale, so as to provide that a delinquency charge must not be applied to a delinquency attributable only to an assessment against an earlier installment and to provide for construction of the provision in conformity with federal law. The bill revises provisions relating to additional charges permitted in connection with a consumer loan, so as to include open-end credit pursuant to a lender credit card or similar arrangement in conformance with other provisions. The bill revises provisions relating to delinquency charges in connection with a consumer loan, so as to provide that the delinquency charge must not be applied to a delinquency attributable only to an assessment against an earlier installment and to provide for construction of the provision in conformity with federal law. The bill revises provisions relating to notice to co-signers and similar parties to a consumer loan, so as to include a conspicuous notice in conformity with other law.



## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### H.4786 *INFLUENZA VACCINATIONS IN LONG-TERM CARE FACILITIES* Rep. Ceips

This bill requires and provides for long-term care facilities annually to administer vaccinations against influenza to residents age sixty-five or older, unless the vaccination is contraindicated or is refused by the resident.

### H.4791 *RISKS OF CONTRACTING DISEASE IF LIVING ON CAMPUS* Rep. White

This bill conforms the current section of law regarding notification of risks of contracting meningococcal disease and Hepatitis B if living on campus to Federal and State published immunization recommendations.

### S.966 *TRAUMA CARE SYSTEM* Sen. Medical Affairs Committee

This bill authorizes and provides for the Department of Health and Environmental Control (DHEC) to establish a state Trauma Care System which will provide guidelines for the care of trauma victims and which is fully integrated with all available resources. The bill establishes and provides for the trauma advisory council to provide advice and technical support to DHEC. The bill also establishes and provides for the South Carolina State Trauma Care Fund to receive funds from public and private entities, and authorizes establishment of a "trauma registry," designated to include, but not be limited to, trauma studies, patient care and outcomes, compliance with standards of verification, and types and severity of injuries in the State.

### H.4821 *OPTOMETRISTS* Rep. Hayes

This bill conforms the chapter relating to the regulation and licensure of optometrists to the statutory and administrative organizational framework established for professional and occupational boards under the administration of the Department of Labor, Licensing, and Regulation.

## WAYS AND MEANS

### S.277 *HISTORIC PROPERTY* Sen. McConnell

This bill provides criteria for a county to provide economic incentives for renovation and rehabilitation of certain historically significant homes. The bill also provides that local sales and use taxes may be used for public parking garages and related facilities and for beach access and beach renourishment, in addition to uses which are currently authorized.

### H.4765 *STATE INCOME TAX REDUCTION* Rep. Wilkins

Beginning with the 2005 tax year, this bill reduces the current seven percent top marginal rate of State individual income tax in annual increments of .225 percent until a permanent top marginal rate of 4.75% is attained. The bill also provides that



beginning with tax year 2006, the reduction is postponed to the next taxable year if estimated general fund revenue growth is less than two percent.

**S.769 PROPERTY TAX EXEMPTIONS** Sen. Cromer

This bill amends the current provision regarding the exemption from property taxes of a dwelling house of a veteran who is disabled from a service-connected disability by defining "permanently and totally disabled." The bill also allows the surviving spouse of a disabled veteran to receive the exemption for any subsequent dwelling.

**S.904 CLEMSON ATHLETIC FACILITY REVENUE BONDS** Sen. Alexander

This bill increases from forty million dollars to sixty million dollars the maximum amount of Clemson University athletic facility revenue bonds which may be outstanding at any time.

**H.4807 PARKS, RECREATION, AND TOURISM GRANT FUNDS** Rep. Sandifer

This bill provides that unexpended funds from the Parks, Recreation, and Tourism Grant Program may be carried forward for up to ten years rather than up to three years.

**H.4822 SALES AND USE TAX EXEMPTIONS** Rep. J. Hines

This bill provides that the sales and use tax exemption does not apply to religious bookstore sales.

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